

CRYSTAL SEAMAN,

PLAINTIFF,

VS.

FOOD GIANT SUPERMARKETS, INC.,

DEFENDANT.

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CASE NO. 2:05-CV-414-T

PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

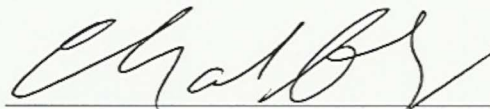
COMES NOW, the Plaintiff, by and through her undersigned attorney and opposes Defendant's Motion for Summary Judgment and states as reasons for said opposition, the following:

1. Plaintiff submits that there are genuine issues of material fact and that summary judgment is inappropriate.
2. The evidence before this Court establishes that the Defendant's either knew or should have known of the dangerous condition of the ramp at the entrance of their store. Further, while exiting the store, the Plaintiff's shopping cart caught in a hole that the Defendant normally kept covered with a rug causing the shopping cart which she was steering to stop abruptly with its back wheels coming off of the ground and thereby causing injury to the Plaintiff's wrist.
3. The evidence shows that the fact finder could and will find that the Plaintiff was an invitee in the Defendant's store, that the Defendant was aware or should have been aware of the dangerous condition of the ramp, and that the Defendant failed to adequately inspect the premises and keep the premises in reasonable repair and failed to warn the Plaintiff of the dangerous condition of the ramp.

evvidentiary material, depositions, and Brief attached hereto.

WHEREFORE, premises considered, plaintiff submits that defendant's Motion for Summary Judgment is due to be denied.

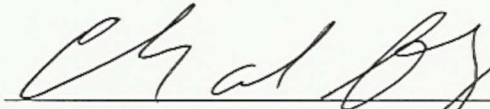
Respectfully submitted this the 14 day of October, 2005.



Charles W. Blakeney, BLA068
Attorney for Plaintiff
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334-684-2387

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of October, 2005, I electronically filed the [redacted] with the Clerk of the Court using the CM/ECF system which will send notification of filing to Hon. M. Warren Butler, Hon. David J. Harrison, and Hon. Richard Brantley Johnson.



Charles W. Blakeney